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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/689,758	10/13/2000	Kevin Paul Demsky	ROC9-2000-0151-US1-IBM-18	8069
23995	7590	12/18/2003	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			PHAN, HANH	
		ART UNIT		PAPER NUMBER
		2633		
DATE MAILED: 12/18/2003				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/689,758	DEMSKY ET AL.
Examiner	Art Unit	
Hanh Phan	2633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 13 October 2000.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 7-11 is/are allowed.

6) Claim(s) 1 and 2 is/are rejected.

7) Claim(s) 3-6 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). ____ .
2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)
3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ . 6) Other: ____ .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Kuchta et al (US Patent No. 6,549,310).

Regarding claim 1, referring to figure 2, Kuchta discloses a method for testing each parallel optical communication channel in an N-channel parallel optical communication transmitter, the method comprising:

transmitting, simultaneously on different channels, at least one of external data (i.e., coded data of encoder 22, Fig. 2) and test signals (i.e., a test mode of normal op/test mode selector 29, Fig. 2) to a multiplexer (i.e., MUX 21, Fig. 2) in each channel of the N-channel parallel optical communication transmitter;

detecting (i.e., monitor photodiode 32, Fig. 2) whether the external data signals include data signals having a valid common mode voltage level; and

selecting either of the external data signals or the test signals for transmitting from multiplexer (i.e., MUX 21, Fig. 2) to a laser driver (i.e., laser driver 23, Fig. 2)(from col. 2, line 44 to col. 5, line 47).

Regarding claim 2, Kuchta further teaches the test signals are generated and transmitted by a built-in self test (BIST) generator (i.e., a test mode of normal op/test mode selector 29, Fig. 2).

3. Claims 1 and 2 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoshida et al (US Patent No. 6,480,308).

Regarding claim 1, referring to figures 2 and , Yoshida discloses a method for testing each parallel optical communication channel in an N-channel parallel optical communication transmitter, the method comprising:

transmitting, simultaneously on different channels, at least one of external data (i.e., transmitting data sTx from transmitting data forming unit 110, Fig. 2) and test signals (i.e., a test signal s2a from power control circuit unit 2, Fig. 2) to a multiplexer (i.e., selector 1, Fig. 2) in each channel of the N-channel parallel optical communication transmitter;

detecting (i.e., monitor photodiode 5, Fig. 2) whether the external data signals include data signals having a valid common mode voltage level; and

selecting either of the external data signals or the test signals for transmitting from multiplexer (i.e., selector 1, Fig. 2) to a laser driver (i.e., driving circuit 23, Fig. 2)(from col. 6, line 34 to col. 11, line 10).

Regarding claim 2, Yoshida further teaches the test signals are generated and transmitted by a built-in self test (BIST) generator (i.e., test pattern generating circuit, Figs. 2 and 3).

Allowable Subject Matter

4. Claims 3-6 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 7-11 are allowed.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Mitten et al (US Patent No. 6,564,349) discloses built-in self-test systems.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Phan whose telephone number is (703)306-5840.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan, can be reached on (703)305-4729. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-4700.

Hanh Phan

Hanh Phan

12/10/2003